

**TOWN OF NEWSTEAD – ZONING BOARD OF APPEALS**  
**MINUTES of May 25, 2006**

Present: Bill Kaufman  
Dave Wakeman  
John Klodzinski  
Peter Randall  
Jennifer Heberling – Recording Secretary  
Absent: Corky Keppler  
Rebecca Baker – Zoning Officer

Bill called the meeting to order at 7:30 PM and led the Pledge of Allegiance to the American flag.

Bill stated he spoke to Mr. Shield's neighbors that had signed the petition. No opposition by any of the neighbors. They all said he was a good neighbor. Mr. Shields has received his C/C for his pole barn and he is in compliance.

The board went through the Area Variance Criteria Worksheet

1. **Whether benefit can be achieved by other means** – cannot because he can't obtain any more property from either neighbor. (NO)
2. **Undesirable change in neighborhood character** – currently zoned commercial but parcel is in a cluster of residential homes. Bill feels it would be a change because of the residential homes. After the overlay goes into effect, new residential homes will not be allowed on Main Road. (SLIGHT IMPACT)
3. **Whether request is substantial** – asking for over 25%. Bill is also asking the board to consider the precedence this would set. A lot of work went into the overlay zone and the rules were set for a reason. (YES)
4. **Whether request will have adverse physical or environmental effects** – noise – no impact, drainage – no impact. There will be greenspace requirements if variance is passed. (NO)
5. **Whether alleged difficulty is self-created** – Attorney for Mr. Shields spoke and believes that because this property was purchased prior to the overlay, this makes it a non-self created situation. He also believes that if someone was to buy the property now and applied for variance it would be self-created.

Bill asked for a motion to either approve or deny. Motion to deny made by Peter and seconded by John.

Bill – Aye  
John – Aye  
Dave – Nay  
Peter – Aye

Board felt this was a substantial request not only in footage (68') but in the precedence it would set. Also viewed as an undesirable change in the neighborhood.

Review of minutes. Two changes in the minutes made by the clerk. First is the motion made for the area variance at 7906 Cedar Street. Minutes changed to "Motion made by John to accept the variance request with the stipulation that the second house must be to the west and north of the barn." Second is the motion made for the area variance at 7709 Scotland Road. Minutes changed to "Motion made by John to accept the variance request with the condition that the barn be 40' off the road." Motion made by Peter to accept the minutes with the changes, seconded by Dave and all in favor.

Discussion on airport. The board would like more expansion on the wording of the conditions to include the word "temporary".

Peter motioned to adjourn the meeting at 8:30PM, seconded by Bill and all approved.

Respectfully Submitted,  
Jennifer L. Heberling  
Recording Secretary